

LAKE COUNTY PLANNING BOARD
August 13, 2014
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, John Fleming, Sigurd Jensen, Steve Rosso, Rick Cothorn, Roland Godan

STAFF PRESENT: LaDana Hintz, Lita Fonda

Bob Kormann called the meeting to order at 7:01pm.

Motion by John Fleming, and seconded by Rick Cothorn, to approve the May 14, 2014 meeting minutes. Motion carried, 5 in favor (Bob Kormann, John Fleming, Sigurd Jensen, Rick Cothorn, Roland Godan) and one abstention (Steve Rosso).

NORTH LAKE COUNTY PLANNING AND ZONING UPDATE (7:02 pm)

Paul Ranna introduced himself. He lived in Woods Bay and was a member of the North Lake County Planning & Zoning Committee. He was here with Leslie Budowitz and Steve Shapiro to give an overview. He utilized two maps to point out areas and features as he spoke.

He described that the group was trying to follow the aim of surveys of people in the area, which was to keep it the way it was. That requires some work. They started to look at zoning regulations such as East Shore and Finley Point for guidance. They were also incorporating the current density regulations. As those changed, that would be incorporated as well. They had draft regulations. The sources of impacts to their region included the movement to and from Bigfork and Kalispell. Those were their centers of economic gravity. The main avenues were Hwy 35 and Hwy 83, which led towards Kalispell. It made it a little odd for them not to be Flathead County but to have their own signature. Their demographics included a lot of snowbirds so the population fluctuated with the seasons. They also had district cross-boundary considerations with the Bigfork school district, which went to Yellow Bay and the Fire District, which he showed on the map. They looked at the economic engines in the area. Most were concentrated along Hwy 35 and Hwy 83. The majority of the focus was back to where the economic centers of gravity were. They were also dealing with the major land owners. There were State lands, Stoltz Lumber and Plum Creek.

The aim of keeping it the way it was, wasn't as simple as it sounded. The mechanism they were going to do that was to have some voice. He thought especially for the Swan Valley on the east side of the Missions, it was out of sight, out of mind for those in Polson. They'd heard that people in their area and others wanted to have a voice in how the area was further developed or managed. To that end, they had in mind something akin to an advisory council that would help with zoning or property-related issues before those reached the County Planning office.

On Nov. 14, they met with the Commissioners and asked if the Commissioners would continue to support their voluntary work in this area. The Commissioners said they would. At that point they established a timeline with the Planning Director, LaDana.

Leslie Budowitz spoke on the history of the project. She was the former chair of the committee. Paul was the current chair. The project began in 2006. They hadn't anticipated that it would take this long. The genesis of the project was in 2005 and 2006. The Bigfork Steering Committee did a survey of Bigfork. The question there was always what boundaries to use, since there was no incorporated town. For the school district, 25% was in Lake County. The Bigfork Steering Committee did a survey in order to do a growth policy update to update the neighborhood plan for the zoning district on the Flathead County side of the line. They thought it would be useful, with little additional work or expense, to include the Lake County portion of the school district. Seventy plus percent of the respondents from the Lake County (which was 25% of the school district) said they favored local control over land use and planning. That led some of them to think this might be the right time to take that interest and coalesce it to see if people wanted to form a planning and zoning district so they could have guidance for the future. Part of the reason for doing that was the neighborhoods of Woods Bay and Ferndale were surrounded on two of three sides by other zoning districts. With Ferndale historically being some of the more affordable land in the community, it was going to continue to face a lot of development pressure. This might be a good time to look at putting something together that met the community's needs.

At the same time, the Greater Woods Bay Sewer District was being formed and discovered that without zoning, they couldn't get support and other needed resources from a number of entities. That was the second major reason that got them going on this effort. They held 10 community meetings over the years in various parts of the community. They ultimately focused efforts on Ferndale and Woods Bay. The people in the East Shore district did not want to join with this effort and wanted to keep their own district. In 2007 the people in Swan Lake were not interested in this effort.

They continued forward with regular monthly committee meetings, which were public even though they were not yet a formal entity under the sunshine laws. They worked on putting together a proposal that would form the North Lake County Planning and Zoning District to serve Woods Bay and Ferndale. It would include Swan Sites if the members of that community wanted to do so. Generally speaking, they supported this. The inclusion of Kootenai Lodge had been discussed and the general consensus was not to include it. Kootenai Lodge had its own district and its own special needs. Lower Bug Creek, on the west side of Swan Lake, was not anticipated for inclusion. They hadn't been able to make contact with people who lived there. That could change, depending on the recommendations that came from the Planning Board and the Commissioners. They would adopt zoning regulations and include an advisory council. None of the existing Lake County zoning districts had an advisory council. They were borrowing the concept from other counties with particularly the Bigfork district in Flathead County being a model.

Leslie referred to some of the factors that Paul mentioned that created a perceived disconnect between this community and the rest of Lake County. She stressed that this was a perceived disconnect, having lived in both ends of the county. They felt the people in their community would want to have an advisory council where they got a chance to review development plans and to have input and to understand it. It was a communications device. That was what they'd

focused on. They felt their community lacked an identity in many ways. They wanted to help create one. For the most part, people really liked that idea. It would be a learning curve for all of them, including the Board and the staff. They worked closely with the staff over the years to try to shape when an advisory council would do what, and how that would work. It would review major subdivision plans and zoning regulations and changes. It would propose additions and changes to the regulations. It would review zoning violation complaints. It would be a liaison between the citizens and the county. It would be advisory only, with no binding authority.

They came up with that plan and presented it to the community in a number of community meetings. They did a second survey to pin down community desires on specific issues such as setback and lighting and that sort of thing. That was at the request and direction of then-Planning Director Sue Shannon. After that, they worked on drafting regulations. They'd been through several drafts modeled on the regulations in other areas of the County, particularly Finley Point, East Shore and Swan Sites since those were the closest zoning district with the most common issues. They had delay, largely attributable to difficulty in obtaining a map and with some existing issues in the map. They felt they were now back on track. LaDana had helped them understand some of the regulations from a staffing perspective and also made sure they were in compliance with current laws because things changed.

She reiterated Paul's comment that their goal was to do what the community wanted, which had been and she thought continued to be to keep things the way they were. That took a lot of work. Because the community was going to face more development pressures, and was starting to face them again, they thought it was really important to move forward pretty quickly and bring this issue back to the community and ultimately to the Board and to the Commissioners to see if there was in fact support for this. In their view, the whole purpose of this was to provide predictability and to prevent conflict, to preserve property values and to preserve the way of life that they enjoyed and appreciated.

Paul spoke about the way forward. Currently they were meeting with LaDana every 6 weeks. They were going through the draft regulations in fine detail from the operators/planning staff point of view to avoid things that were not clear that would require interpretation. When next they came to see the Board, they would have a staff report, which LaDana was helping them with. This would still have to go through a staff process. This board would make a recommendation to the County Commissioners. They had a 30-page 'keep it as it is' definition of what 'as it is' was. They were moving along at a very deliberate pace. They would see the Board in the future.

Bob thanked the group representatives for their staying power and asked about meeting attendance. Leslie said the community meeting attendance was impressive, ranging from 30 to 100. Bob asked if there was a percentage she could guess as far as opposition. She replied no. At the start in 2006, 70% of the survey respondents wanted local control. Tonight she didn't have the number of responses to the second survey. There were certainly some people who didn't care for the idea. For the most part, what they heard were people who liked the idea. She apologized that she didn't have a percentage on it for Bob.

Bob asked how the community meetings were advertised. Leslie noted they hadn't had regular community meetings in some time. The community meetings were advertised at a list of places where announcements were sent. The announcements were put in the Bigfork Eagle. For a time they had a second newspaper in town, the Lakeshore Country Journal, and the announcements were put in there as well. They posted at the grocery store, Ferndale Market, Woods Bay grocery store and at the dump. The community didn't have many places to post things. Two of the postings locations mentioned were actually in Flathead County. They had an extensive email list to send emails. They had a radio announcement list. She listed four stations that allowed them to do public service announcements. They were given a page on the BLUAC (Bigfork Land Use Advisory Committee) and Bigfork Steering Committee website. It was not currently being maintained because BLUAC didn't have the funds to do it. They didn't have reason to update it [right now]. When they were having active meetings, they did host that on the website. There was an older version of the draft regulations on that site. They asked a couple of years ago to have the most recent draft regulations put up, but BLUAC didn't have the money and neither did they. Since they weren't yet at a decision point and since they didn't have a final draft, they didn't put it on.

Roland commented that 'keeping it the way it is' was an abstract term so it was good that they had [some fresh] look at it eventually. One person's 'keeping it the way it is' didn't necessarily match another person's 'keeping it the way it is'. Paul gave an analogy with a lead pencil #2 and a mechanical pencil. Each was a pencil but they would have two separate sets for description. Keeping it the way it is required some definition.

Leslie added they were not recommending changes in density. In the second survey, they asked if people wanted wholesale changes in density. People seemed happy with the density the way it was currently regulated. They incorporated that into their draft regulations.

Roland noted when applying for project funding, you really had to stay away from using percentages. You had to quantify the numbers that those percentages represented. Seventy percent could mean you asked 4 people and 3 of them said yes. That wasn't a cross-sampling. Leslie replied that they did have the numbers; she simply didn't recall them. Roland emphasized that you needed to have those. To just say 70% had no value to him because he didn't know where that came from. He recommended having a sign-in sheet for public meetings so they could answer those questions. Leslie noted that they did have sign-in sheets. Roland said funding agencies wanted to know how many people, and that did tie in to the percentage. He gave those as hints.

Roland asked if you had a board that was cross-county, wasn't there the possibility of conflict, where something might be adopted that was doable in one county but not the other. Leslie clarified that they were simply using a model from the neighboring county to the north. They weren't proposing something that would cross county lines. One thing they learned was that the two counties had very different approaches. She'd worked as a lawyer in both counties on land use issues, although that wasn't her primary focus. She liked Lake County's system better. She thought it allowed them more flexibility as a community. Roland agreed that there was a different atmosphere at the county line. Paul said that was precisely why they were going through the regulations in detail, word by word, with the Planning staff, so that they made sure

they didn't have ambiguity, or that a stumbling block was addressed before it went to staff report before it became part of the next [inaudible].

Steve mentioned that he was also on the Board of Adjustment. One issue that came up was that people needed something clarified or a conditional use or a variance from the existing regulations. One of the issues that was often difficult to understand was the percent impervious surface. He suggested they look at the existing regulations and ask themselves whether or not the purpose of these regulations was well-explained and whether or not the specifics of the regulations then followed those purposes. Things had changed over the years in the way stormwater was handled and the way other kinds of development were done. They had an opportunity here to make this current based on current conditions, engineering and understanding of land use. Rather than just follow the regulations of other districts that might be 20 years old, it would be good to think each one of those through. Paul responded that was precisely why they met with LaDana.

Bob began to move to the next agenda item. He was interrupted by an unidentified person who wanted to comment on the informational item. LaDana explained this was an item where this group wanted to come forward and let the Planning Board know that they were still out there. It was just informational. Unidentified frustrated people spoke loudly that this group wasn't representative. LaDana explained that the only thing they were here for tonight was to let this group say 'we're out there'. The Board was not making decisions on this. The unidentified people continued to say that they disagreed with the group presentation.

Bob interjected that he'd been on the Board a long time. He'd seen these zoning proposals a number of times. For the most part, they weren't adopted. People like them came out. There was a tremendous amount of opportunity for the public to voice their opinions. Just because a group came and spoke eloquently about what was going on, the Board didn't take that as gospel. There were public meetings, public input at Planning Board and Commissioners meetings. They didn't not want to hear what [the public] had to say. His understanding was that this wasn't a public meeting for open discussion. It was just an update on what was going on. They would work this out in their community, and then bring it to the Board. He could guarantee it wouldn't be a one-meeting kind of adoption or not adoption. That wasn't the way it worked.

An unidentified person complained about method of notice. Roland mentioned notice method had been discussed by the Board. The impracticality was enormous; the cost to send certified mail to everybody on every issue was astronomical. An unidentified person was concerned why staff assisted the group. Roland thought that happened the same way as if the speaker approached LaDana with his point of view. Roland was sure she'd help him equally. Nothing was formalized. This was not an official group.

LaDana said that it was her job to help people who came to the department. Unidentified people complained about the information given by the group. Roland suggested that the formation of an official group would actually help their cause because an unofficial group or committee didn't have power. They didn't have to do public notices. You would want the formation of official committees because then there were rules and regulations that had to be followed and things didn't just get railroaded through on a one-sided manner. You did get input and there were

definite notices that had to be put out. Attendance had to be recorded. When someone said 70%, that had to be quantified. The things the people were asking for happened when a group was formally created. LaDana reiterated that there would be opportunities for public comment. This was just the start of a whole process.

CONSERVATION DISTRICT UPDATE (7:37)

The speaker was not available—item skipped for this meeting.

LAKE COUNTY PARKS & TRAILS PLAN (7:38)

Bob pointed out the last paragraph on pg. 11 in the staff report. He reiterated that the aim was to make a recommendation to the Commissioners to adopt this as is, or with additions or corrections, or to not adopt this. That section might help when it came to the time for a motion. LaDana explained they would make a decision that went forward to the Commissioners, whose meeting was scheduled for Sept. 17. She introduced Mike Roberts, the Parks Board chair. They would give a presentation summing up the plan. She would then cover the staff report, which talked about how it complied with state law. This would be adopted as an addendum to the Growth Policy. That was how it had been reviewed. She and Mike would reference Power Point as they went through the information.

LaDana gave some history and background. The reason for a plan was that a lot of funding sources required some sort of plan. This was one of the steps needed to move forward if they wanted to get funding for parks at some point. There weren't many developed parks in Lake County right now. The Plan could change over time, and was a guide for the citizen Parks Board members, to help move these things forward, rather than regulatory. They'd had public meetings and took public comments through the process. This was almost to the final step. The Planning Board would make a recommendation and the Commissioners would make a decision on whether to adopt it or to amend it, based on the Board recommendation and also the public comments they've heard and those kinds of things.

Once there's a plan, the Parks Board would have something so they could implement plans and move forward over time with potentially developing some of the parklands that the County owned. Right now those were just strips or pieces of land.

LaDana said currently ten Federal, state, local, Tribal and government agencies managed land recreation facilities in Lake County. None had the resources or mandate to serve all the residents and/or visitors of Lake County. A lot of groups were trying to do things. Hopefully over time, as part of this Plan, they wanted to work cooperatively with some of these groups to pull resources together and develop parks that would benefit everybody instead of each little group thinking they had to do it all themselves. That was part of this plan. Currently Lake County didn't have dedicated staff members assigned to develop and manage parklands so they had a volunteer board that met on a periodic basis and discussed park issues. Much of their time was spent managing the neighbors of the park. They didn't have time to go out and physically manage the parks and there were no actual staff members. Mike said that would be a big problem when it came to developing the parks.

Roland asked about the data. He'd just finished up a huge project related to economic development strategy. A lot of the same information was in there. He wasn't sure who got the information from whom, but it was a good resource for future statistics and so forth. He was curious to use information from the Plan on another project he had, and hoped to talk with LaDana about that.

LaDana noted Dave DeGrandpre put a lot of this together. The County provided data, so GIS came up with some of it. Mike Rave of GIS put some of it together.

LaDana showed a land ownership projection and talked about it. The amount of land the County owned was pretty small compared to the other land ownership on the reservation. Mike said they did have several sites on the lake. Those were fairly precious. Two or three of them were being used now. Bob asked for the total number of sites the County had. LaDana said there were a lot and they would go through that. She described site surveys done in 1992. Mike noted they were done by a now-retired person named Dave in Fish, Wildlife and Parks, who put together a book of the sites in Lake County. [Each site] had a photograph with very little information. LaDana described that in 2012, the Planning staff did over 100 site visits to a lot of the parcels that the County owned if they could get there. A lot of the parcels were physically inaccessible due to steep slopes, no parking off the highway or that kind of thing. They were just strips to get down to the water. They looked for development potential and encroachments and just the recreational needs of the area. How could these lands serve if they wanted to develop a park there? Most of them weren't big enough to develop parks.

John F said he liked the statement given on the access strips that you could sell that land and use the money for purpose. What he really liked about what was written was the use of the money would be limited to acquisition or enhancement of property already owned. You didn't just sell some land and then put it in the kitty and spend it. That was important to him. LaDana said that was the point. If they were going to sell something, it would be to try to buy something else that would be more beneficial. John thought that might be the best use for some of those strips or villa accesses. Roland asked if that was an appropriate function or if something in County regulations would disallow the segregation of funds to a particular project. Mike thought if the lands were designated parklands, it would go into park funds. Roland suggested that would be worth verifying. Steve thought when the Planning Board reviewed subdivisions, there was money in lieu of parkland designated for parks. That money went directly to parks, so there was a precedent that could be done. LaDana added that only a certain amount could go to maintenance of parks. Part of that money had to go to actual acquisition of land. That was written into state law.

Bob asked if the Commissioners could decide to sell those pieces. Mike said it had to go to public notice. Gale Decker said they had to be surveyed and appraised. John mentioned the people who thought they owned those. Mike said almost every one was encroached upon somehow. He described various encroachments. Steve observed a few had turned into driveways for the two adjacent properties. Mike said it was going to be a battle everywhere they turned.

Sigurd asked what they did with the items of encroachment on County land, like docks and rails, and like in Dayton. Mike noted that below high water mark, the ownership was Tribal. Tom McDonald [of the Tribe] said that if the County abandoned property, the Tribe got it and that the sale of the property was the same as abandoning it. Sigurd focused on encroachments in Dayton, where people used the County land as part of their own. Mike commented some had used it so long that they thought it was theirs. Sigurd asked if they would have to address this. Mike said they would. He gave the example of Mr. Lekander, who said if they could set up precedents with the attorney general, he'd buy in to it. A County attorney was on the [Parks Board] side. They had a booklet made by the Lake County attorney that explained Lake Street. They hired a lawyer who said that Lake Street could only be used as a street and nothing else. A trail was part of a street. Pedestrians walk down a street so it was pretty well proven it was a walking area. Still, they had to set up precedents, not just in Dayton but at all of these sites. Sigurd checked that Big Arm was the same way. Mike said Big Arm was maybe worse.

Gale gave an example. If someone wanted to put part of their drainfield on one of the villa strips, they didn't allow those encroachments. There were some drainfields that were already there. Those people had notice that when that system was no longer usable, they wouldn't be able to use that villa strip. Most of these strips had been originally surveyed from Washington DC without sending someone out to survey. You might have a strip that's a cliff and 60 feet down to the water that's supposed to be an access to the lake for several other parcels of land. Some were useless but a few were, in his opinion, quite valuable. Sigurd said in Dayton, the public had walked on the lakeshore and the owner of the house in back of it got angry to see someone there, on his property. He and Mike agreed that wasn't true. Mike gave the example of the house just beyond the barge there. Their garage, deck and staircase were built out on the [villa] site. People thought if they built on the site and had it for years, then it was theirs. Roland wondered what the prescriptive laws were and what perceptions were. Sigurd said the public walked along and then ended up in a shouting match.

Roland asked if public access by foot or boat was limited to the high water mark. John said not in these strips. LaDana explained the strips were County property so if you pulled up there and knew, you might get out and walk around. Rick asked when adverse possession came into play. John said it had to be adverse. Someone had to ask to get on it, and you had to say no. It didn't start running because somebody said he'd been doing it for 20 years. Someone had to tell you to stop.

Bob asked what happened if the people with the deck on the [County] property wanted to sell, it was surveyed and the buyer noticed the deck was on County property and wasn't going to buy the deck. Mike said the problem was they had to survey the sites. That would be huge. Rick was curious how the County would be perceived by the public eye, that they had been aware of these circumstances for some number of years, and for whatever reason, it now became an issue where it had been status quo for so long. Mike said it had been kicked under the rug since 1910. He didn't know. That was why they were doing it. LaDana said this was just the start of that.

Gale described a sale of a property in Dayton but the buyer wanted to be able to build a dock on the lakeshore, which was actually on Lake Street. The Commissioners denied that. The buyer didn't buy the property, which made sense. Rick asked about Lake Street. Sigurd described that

it ran pretty much along the edge of the lake. Mike said it was on two sides of Dayton. It was an 80-foot wide strip that used to go all the way around Dayton before the dam raised the lake. Gale added it was undeveloped and underwater part of the year.

Bob checked that they couldn't talk to the Tribe about selling to the Tribe and having the Tribe do the surveying and legal battles. Mike said the Tribe was eager to work with them on quite a few things, such as helping to build docks, fishing accesses and boat launches. They had some money available to develop these things. He wasn't sure what kind of red tape it would take. The appraised value [of the parcels] would probably be a lot lower than what they were actually worth. LaDana identified a problem with size. The size ranged from 40-foot wide strips to 40 acres. Most were less than 2 acres. You couldn't really do a lot with a 40-foot wide strip. Mike said some had a road going down the strip but there wasn't room to turn around and do something. LaDana added there wasn't enough room to do something and avoid the neighbors and not have those conflicts. Mike said they'd talked about a lease where people have their encroachments. They had to figure out a way to make some money.

Steve suggested that the value of the land to the adjacent properties was higher than it was to anyone else. As soon as those two [adjacent] landowners found out the public could stop on the highway and hike down to their waterfront on that 40-foot wide strip of land, they'd like to protect their privacy. Others agreed. Gale said the issue there was if [the County] abandoned it, they could offer it for sale to the adjacent property owners, but the Tribe said if they abandoned it, it was the Tribe's. Steve said properties that were off the reservation might have to be treated differently than those on the reservation. There was a West Shore off-lake property in the middle 1990's that was being developed. The developer started to advertise lots with lake access. The neighborhood found out the lake access was one of these 40-foot strips. No one knew it was County property. The neighbors panicked when they found out. It went through the abandonment process because it was off the reservation. At that time, he understood that the abandonment was approved with the idea that the two property owners would make a contribution to the Parks Board of \$20,000 or \$30,000 apiece, and they would each get 20 feet of land. The land couldn't be sold to them. The abandonment got approved with the idea that these landowners could make a contribution.

Gale said this would probably end up in the court system. Two or three land use attorneys had been in and each had entirely different takes on this. One said those belonged to the federal government if the County abandoned them. Roland asked about offering a lease option. Gale said there were some issues with leases, too. Roland said his experience with encroachment was that even though people acted surprised, most knew they were encroaching. Mike agreed they knew.

LaDana said the point was to get the Plan so they could do these things. The group was on the right track in that if they didn't have money, how were they going to come up with money for this? At least if they had a plan, they could start thinking more seriously about what to do.

Roland asked about larger parcels. LaDana said of the 100 sites reviewed, very few were spread throughout the county or in areas where people would go. Mike said there were some nice parcels on Finley Point. It was the same problem in that the parcels had neighbors. A couple

would make great campgrounds near the lake access. LaDana added that they run into zoning, subdivision review and such. Mike noted it would be huge. LaDana said part was how much cost would the County want to put into these things. If an RV park were put in, they'd need someone to maintain it. Even tent sites fell under subdivision for rent or lease. It would need to go through some process. Some zoning districts didn't allow campgrounds. The Planning staff evaluated the sites, which included what the zoning was, and created a giant spreadsheet for future use by the Parks Board as they look at pieces of land and work towards making decisions.

LaDana showed pictures of various parklands. The first was a developed parkland in Kings Point. Mike noted it was an old 4-H place. LaDana described there was a dock, picnic area and outhouses. One outhouse was probably too close to the lake, which was an issue. They had issues with after-hours use there. Gale observed it got a lot of use. He lived nearby. Someone with a lot above had stored watercraft and gas cans and other items on the beach of the County park.

LaDana showed the lot at Mellett Point. Mike thought they could drive into there. He and Gale mentioned there was no parking. LaDana said they had a developed parking area on Finley Point Lane. It had a nice beach area. Mike said it was 150 feet wide. LaDana said there was a problem with the neighbors there, too. This was part of the Mellett Point subdivision and was dedicated a long time ago. It wasn't even an acre. The problem with the neighbors was probably the use. They had their lakefront lots and didn't want the public there. This was a public area and got a lot of use. Mike said one neighbor put a gate at the top of the road to the park where a sign was. Dogs were a big problem.

LaDana and Mike showed another parcel that was just past Baypoint Road. You turned at the hill and there was a tiny dirt road that didn't look like something. That was the way the landowners wanted it. LaDana said it was a rough road down to the parking area, and then you walked down a little road to the lake. Mike noted the homeowners took good care of this one.

Next they showed one near Grinde Lane. LaDana said this one was one of the strips, with a parking area. Bob asked if these got used. Did people know about them? LaDana affirmed. Mike said this one only had maybe three or four parking spaces. LaDana noted that this was what many of the parks were like. There wasn't really development there other than maybe some fences and a little bit of signage. Mike said the big problem was outhouses or restrooms.

Roland referred to the mention of neighbors who took care of a previously mentioned park. He wondered if that was more of a possessive response by the residents. It might be a pragmatic tradeoff. The county didn't have the money to maintain these, so the adjacent owners might do a little border control and the county property would at least look good. Access might be somewhat restricted by the 'this is my land' mentality.

LaDana said the Parks Board had talked about having 'Friends' groups or volunteers to help maintain parks, raise funds and so forth. Mike said these property owners were some of the best they'd met. Roland said his experience of public property without maintenance was they turned into ugly places. Mike said one pain was the neighbors to the west built a seawall of bricks and you had to step down. LaDana gave some history of erosion that went on there. The seawall

was to deal with the erosions. Sometimes what happened was people built seawalls, which stopped at the 40-foot strip of County property. That would be the only bare spot there, so it began eroding away. Sometimes seawalls ended up across [such a parcel] to protect it and the neighboring properties.

The Charlo park was the next picture shown, which the Charlo Garden Club tended. Mike explained the Charlo Lions Club took care of it for many years. Last summer, they donated it to the Lake County Parks for liability reasons, and agreed to take care of it. They were impressive. It was a nice park of about a half-acre. LaDana noted it was away from the lake. It was in an area where they could and would want parks. These weren't cities with park departments and parks. It was the County's responsibility to provide those services. This was good: they had a park in the area and a group actively maintaining it so they didn't have to do that. Mike said the senior citizens were on one side and the fire department was formerly on the other, so it was a safe location. On the 4th of July, they opened up the senior citizens building for restrooms. The community worked together pretty well.

LaDana showed a trail next. A lot of the people surveyed in the park survey were older, and they wanted more trails. Mike mentioned the Carol Sherrick trail on the old railroad bed. It would have been a Rails-to-Trails program in most communities. The railroad traded DOT the property and DOT gave it for the trail. Bob recounted that he used that trail five times a week and it was great. The new addition on Skyline was wonderful. A lot of people were using it.

LaDana asked about parking, to get other people who lived farther away to the trails. Bob said he parked near the dump, to the right. He could go either way on the trail from there. Where you turned to go to the pool, there were only 2 or 3 parking spots. If he got on the trail in town, he parked in the Catholic church parking lot. LaDana said part of the problem was areas where trails were being made weren't in areas where you had a parking lot. They needed to start to think about where to put some parking areas along there, even if it was just for 2 or 3 cars. Otherwise people would park places like the farmer's approach and they would start to have conflicts. They wanted people to use the trails. If there was no parking, who would want to go use them?

Mike said there were lots of possibilities at the bottom of Hillcrest to create quite a few parking spots. LaDana referred to further out in the County. In Ronan, there were no places to park unless you parked in the approach somewhere. Roland said they were working on a business park, which was in idea mode. There were parcels along Hwy 93 and that could be part of that process. They were talking about a 40 acre parcel. It would be great to have it somewhere along that bike trail. Then the parking would be taken care of. You could designate part of that park as parking. Bob said it would be nice to have the trail go from the turnoff for the pool to the pool. Now you were on the road there, and it was just going to get busier. LaDana suggested that he speak to Karen Sargeant about that, since it was in the City. Roland said the new road added to that problem. He had to do a study of the traffic count and tickets issued. Tickets issued were down 50% because it wasn't patrolled as much. Bob noted that halfway down Caffrey Drive there were people with 4 dogs that just attacked bicyclists who rode by there.

LaDana moved on to a picture near Borchers of Finley Point that was typical of many of the parks strips surveyed. It was overgrown and with nothing there. They went down to the lake where this one was located. On a lot of these, they couldn't get down [to the water] and on some they couldn't get off the highway to walk down. Mike mentioned a park where someone had their deck and stairs. It was a real nice park that was 60 feet wide. LaDana thought the one pictured was a strip where you actually came to a cliff and didn't get all the way to the water.

LaDana showed a map from the Plan that included planned parks, trails and paths. It gave the Parks Board an idea where people might want trails. It didn't mean they would be put in any time soon; it was just an idea. Most were along major roadway or highways. She didn't think it was updated to show the one that had just been done in Arlee. The blue trails and paths were current and the red ones were planned. The ones in the Swan were probably Forest Service trails. Mike said they talked about creating section maps so you could see them better. If there was money left after the bypass project in Ronan was done, Roland was curious if this would tie in to the bike path that ended about a mile north of Total Home Furniture.

Steve lived in the northwest corner of the County and used the bike paths in Flathead County. You could tell the difference in the quality of the path after it was a year or two old, depending on whether or not it was in beer bottle-throwing distance from the highway. The paths right along the highway or the ones that had a painted stripe down the edge of the street labeled for bikes were often dirty and dangerous, with broken glass and such. If there wasn't a maintenance plan for those paths, the bicyclists weren't going to want to ride on those. He'd been involved with Rails to Trails. A lot of money was granted for development of a path without thought to sweeping it two or three times a year or how that would be paid for. When there wasn't a white stripe down the street, motor vehicles got over on the edge of the road. The faster vehicles with the comparatively big fat rubber tires (compared to bicycle tires) cleared some of the glass and litter from the street. A lot of serious bikers wouldn't ride in the section delineated by the white stripe. They'd ride on the edge of the motor vehicle traffic instead. He thought people often missed committing to the periodic cleaning of the bicycle section of the road, which didn't get naturally cleaned. The best situation was for all the vehicles and pedestrians to get along and respect each other. It probably wasn't going to happen, so they did need to do things such as bike paths and painting stripes to designate a bicycle lane. People who didn't bicycle a lot just didn't realize how dirty that edge of the road could get after a while.

Gale noted that some needed mowing and attention to weeds. Skyline Drive now had knapweed issues. Steve said the trail north from Somers in Flathead County had grass and weeds which were actually tall enough to block your view where the trail curved. You could suddenly confront another bicycle. The sections that were well-taken care of were cared for by the neighbors. The Forest Service had a program called Cost Share agreements. The North Shore Nordic Club, which took care of the cross-country ski area on Black Tail Mountain, had a Cost Share agreement with the Forest Service that allowed them to take care of those trails, to use them, and to set some rules and regulations for the use of those trails. In return, [the Forest Service] provided signage and some things for the group to help them maintain, use and control the use of those trails. A kayaking club might be able to have that kind of a program for one of these 40-foot strips, where they would agree to take care of it and maintain it and enforce some rules and regulations on in, in return for the signage and County backing. The signs put up by

the Nordic group had the Forest Service symbol. If it didn't have that symbol, a lot of people would totally ignore it. The County backing would help such a volunteer group that wanted to take care of a park. Roland compared it to the adopt-a-highway program. Mike said they'd talked about an adopt-a-trail or adopt-a-park program. There were around 60 nonprofit groups in Lake County.

John liked the mention of volunteerism that was in the Plan. He thought that was great and should be kept. If people worked on it, they'd own it and take care of it and use it. LaDana gave an example from the Fair Board. Much of the work they did at the Ronan fairgrounds was volunteer work. They had a crew for a short time in the summer. The rest of the year there were very few maintaining the grounds or flowers. It was difficult to find people who wanted to be dedicated for long-term. The reality was at some point they'd need a program that could sustain itself. They couldn't depend on volunteers forever. Some volunteers were very dedicated. For an actual program, they might start with volunteers and they would probably have to build from there.

Bob saw where in other areas of the country, prisoners were sometimes used. Gale said they'd discussed this. Mike said community service kids were used for park cleanup. Mellett Point had been cleaned three times that way. It worked well. Roland said he approached one of the sheriffs regarding inmates, but the sheriff said the liability with adult inmates in an open environment and the liability of the patrolling that had to take place to maintain their safety was incredibly high-risk, even though the idea was good. Bob and Gale both mentioned that they'd seen this in Arizona. Gale had heard that here it was a liability issue and a workman's comp issue.

LaDana showed a visual that reflected the words that appeared in the public survey, where the bigger the word, the more often people used it in their comments. It gave a visual for the varied interests they saw (also on pg. 5 of the Plan). She noted 587 responses were received from the surveys. 52% of the responders used trails daily or weekly. Almost 50% were above 50 years old. Many listed funding, maintenance of existing facilities and expansion of facilities as being important. A lot of water and trail based activities were mentioned. She talked about the distribution of the surveys at various places and events. It had been on the County website and was featured in newspaper articles. They tried to use various methods to get the word out there and to get people to respond. Mike mentioned that they got a huge response at Mac Days. LaDana said the surveys were tallied on Survey Monkey. Mike observed that a lot of people didn't read the survey correctly. LaDana said at least it gave them some ideas. It did show that there were a lot of older people here.

The Parks Board came up with a vision statement in the Parks Plan on pg. 5 that LaDana pointed out. She covered the five goals of the Plan (listed on pg. 1). There were ideas for achieving the goals in the Plan. She outlined contents of the Plan. These included the need for parks and trails development and the need for policies and standards on how to move forward. Consistency was needed to start to develop an actual parks program. Recommendations were given for working groups with public, Tribal and not-for-profit groups, and a list was started for ideas of groups to approach about funding, resources or help. There were recommendations for managing parks and trails with limited staff and volunteer resources. Currently there were no staff, and resources

were entirely volunteer. The expected life cycle of the Plan was 20 to 25 years. They expected to update it at some point as conditions changed in the County. Hopefully they would get staff and additional volunteer resources to help out over that time. There were implementation strategies for moving forward and carrying out the plan to implement park development.

She outlined that the first step would be to adopt the Plan. Then they would start addressing immediate needs, then building capacity, then growing and maintaining a system. This wouldn't happen overnight. The Plan was the start of this. The Parks Board was charged with carrying this forward, working under the direction of the Commissioners.

LaDana touched on the public comments they gathered at the public meetings, where she'd given presentations about a month before the public comments were due. The Parks Board looked at the comments and decided what to incorporate into the Plan. Now the Plan was at the formal review stage, which was why it was before the Planning Board. The Commissioners would adopt a plan, and the Parks Board would implement it.

Steve asked what was appropriate for the Planning Board commenting specifically on different parts of the Plan. LaDana said this was the time to give their comments. If he had comments on things like typos, she encouraged him to email those to her. She would run them by Dave DeGrandpre, since he actually wrote the plan. Steve reiterated that he'd already made his comment on bike trails next to highways. On pg. 38, at the top of the page in the list of entities, he suggested including Montana Dept. of Transportation. On pg. 42 regarding funding, he noted the Planning Board reviewed subdivisions. He asked what might be appropriate for parkland or contribution in lieu of parkland. Some guidance as to whether there were existing County properties close to some of these subdivisions would be helpful so the Planning Board might know, for instance, that funding was needed in a case rather than more land. That would be helpful in the staff report. LaDana didn't think that needed to be in the Plan, necessarily. Now that planners had actually visited the sites and knew where these were, they could start to apply those more in reviews. Many of the current subdivisions were minor subdivisions of 2 to 3 lots that went directly to the Commissioners, incidentally, and the Planning Board didn't see those.

On pg. 46, Steve noted building capacity was mentioned. He wondered if there needed to be something mentioned in one of the phases about evaluating the current capacity, even if it was pretty low, and something about budget and how far dollars would go on some of these projects and priorities. For instance, would it take a few thousand dollars to commit to one of these priorities or would it be hundreds of thousands of dollars? He thought that would be a step to mention in the description in one of the phases. On pg. 52 in the private funding section, Steve wondered if they wanted to discuss something like the US Forest Service Cross Share agreements that he mentioned earlier. LaDana asked if it was under federal, Tribal and state funding. It might not be specifically written in there. Steve talked of including some kind of cooperative agreement with a non-profit organization that's willing to take care of a park if they had some authority to control its use and develop it for a particular purpose. Steve turned to the map on pg. 57. In the legend, it didn't mention 'per square mile'. He concluded that the densities given were possibly dwellings per square mile, or something like that. There were no units given.

At the bottom of the written paragraph pg. 63, Steve read, "In Lake County, the median age is higher than in the state and the county as a whole." He thought 'county as a whole' was supposed to be 'country as a whole'. On pg. 80 in the second line, 'lost impact' sounded like it should be 'low impact'. On pg. 85 in table 5, the table heading 'Properties with that...' might read better as 'Properties that...'. On pg. 89 in the second paragraph, 'On the following page is flow chart...' would read better as '...is a flow chart'. Finally on pg. 107 in the second bullet near the top of the page, 'recreationally activities' should be 'recreational activities', and in the 4th line of the paragraph below the bullets, the 's' should be removed from the end of 'an aging populations seeks' or else it needed to be changed to 'aging populations seek'.

Mike thanked Steve for finding those. Steve added that on pg. 8 in the last bullet in the 4th line, 'the' should precede county.

LaDana presented the staff report. She mentioned there were several Parks Board meetings where sections of the Plan were reviewed. The public was welcome at the working sessions. Plan copies were at locations throughout the County such as libraries when public comment was sought. Surveys of the public were taken. There'd been various methods available for comment and she was surprised there wasn't a turnout tonight.

LaDana explained Counties could adopt plans that would be addendums to their growth policy. This would be such a plan. It would be a stand-alone plan in association with the growth policy. A Plan would enable them to move forward to get funding for parks, recreation and trails. LaDana referred to the public comment received from Jerry d'Aquin just prior to the meeting that had been handed out. The Commissioners had developed and granted authority to the Parks Board so it didn't fall on the Planning Board to have that. State law said 'you may' add authorities like that [to the Planning Board] but the Commissioners granted that authority to another Board. That was why this wasn't coming to the Planning Board for the actual management of the parks. It came to the Planning Board as a public board for a recommendation on the Plan. If people here wanted to comment on parks and their actual development, the venue would be to go to the Parks Board meeting and comment.

LaDana clarified for Roland that the Planning Board was involved in this tonight because it had to go to a public venue for a public hearing, and typically these kinds of things went to the Planning Board. The Growth Policy came here before this Board and this Board had the authority to do those things. Even in the implementation of new zoning, the Planning Board would review, such as with the Merritt Ranch, although the Board would not be implementing the zoning unless someone subdivided there. State law gave the Board the authority to do some of those things that they weren't really involved with, in the end. The Parks Board would be implementing this Plan. This Board would work with it a little bit, as the Parks Board would probably be giving recommendations when subdivisions came along. Mike asked if the development of a site would come before the Planning Board. LaDana replied no, [the Parks Board] would take that to their own public hearings.

Steve thought [the explanation] made sense. He asked how long the Parks Board had been in existence, how many members were on the Board, how often they met and what sort of notice was given. LaDana said there was a resolution from 1996 but she didn't know whether or not

they existed before that. There were 6 members who resided in the County and the 3 County Commissioners. Gale noted there was one vacancy right now. Mike said lately they met when they needed to. The goal was to meet once a month. For notice, there was a mailing list. LaDana explained the required notice was that it had to be posted on the Commissioners' calendar for 48 hours. The membership of the Parks Board was discussed briefly. Mike mentioned he was the first non-Commissioner chair of the committee.

Steve had a question on the findings of fact. He checked that they had to include those in their recommendation. LaDana thought those would be included. Regarding the findings of fact in the staff report, she didn't have a lot to work with for those. For zoning items, what you needed to find was listed in state law. This didn't have that. If things seemed redundant or off, she requested that the Board let her know. Steve asked about finding #1 (on pg. 9). LaDana explained that those bullets came directly from Resolution 96-50. He thought there was something missing in the first bullet. LaDana referred to pg.5 of the staff report, where it was also written. This was directly the wording from the resolution. Steve asked about finding #3 on pg. 10 and 11. He was concerned that with the current wording, one unusual situation with a single individual might require spending all the available funding. He suggested adding the word 'reasonable' so it would read 'assure the reasonable needs' and Rick suggested deleting 'types'. LaDana agreed. Steve mentioned the ADA act. Roland said that depending what funding you did, they would stipulate to what degree you had to meet ADA needs. Steve suggested adding 'years' in #4 on pg. 11 after '20 to 25' in the first line. Mike said a lot of these parks would be hard to make ADA-accessible.

Motion made by Rick Cothorn, and seconded by Sigurd Jensen, to recommend adoption of the staff's work on the Parks & Trails Plan with the noted corrections. Motion carried, all in favor.

Bob thanked Mike for his work.

OTHER BUSINESS

The upwelling of other business earlier in the meeting was touched upon.

Steve mentioned he spoke with someone who had confusion between the Growth Policy and the Density Map. He requested some clarification at such time that the Density Map came up again.

Motion made by Roland Godan, and seconded by Rick Cothorn, to adjourn. Motion carried, all in favor. Meeting adjourned at 9:08 pm.